



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION

861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

TELEPHONE:

(302) 736-7500

FAX:

(302) 739-4849

September 11, 2018

Mr. Eric Owens
Gold Star Energy, LLC
50 Chestnut St.
Suite #234
Beavercreek, OH 45440

Re: In The Matter of Gold Star Energy, LLC For A Certificate to Provide Electric Supply Services within the State Of Delaware (Submitted: March 23, 2018) - PSC Docket No. 18-0181

Dear Mr. Owens,

On March 23, 2018, Gold Star Energy, LLC ("Gold Star" or the "Company") submitted an application ("Application") with Delaware Public Service Commission (the "Commission") for an Electric Supplier Certificate ("ESC") to act as a Broker in the State of Delaware pursuant to §1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §1001 - §1020 (the "Restructuring Act") and 26 *Del. Admin. C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").¹

In a letter dated April 2, 2018, Staff outlined a list of deficiencies that required additional documentation in order to fulfill the minimum filing requirements ("MFRs") in accordance with Section 2.0 of the Supplier Rules. The Company was asked to provide a response by May 2, 2018. On May 2, 2018, the Company submitted a response that did not address the deficiencies Staff outlined in its letter and the submission was filed confidential in its entirety. Staff issued a second deficiency letter that also included a link to the Supplier Rules in order for the Company to review the requirements before submitting additional information to support the incomplete Application. Staff also advised that the submission dated May 2, 2018 contained information that was in fact public record and a redacted public version was not filed simultaneously. A response date of June 8, 2018 was requested. A response was not submitted in relation to this request. A final notice of deficiency was submitted to the Company in a letter dated June 11, 2018. On June 19, 2018, a representative of the Company emailed Staff a series of clarifications and suggestions on implementing the requirements of the Supplier Rules to meet the deficiencies outlined in Staff's letter. Staff addressed these comments in an email sent June 19, 2018 and advised the Company that all deficiencies must be satisfied by July 23, 2018 or the docket would be closed.

¹ Unless otherwise noted, all references to capitalized terms are set forth in the Restructuring Act and/or the Supplier Rules.

On July 23, 2018, the Company filed an amendment to the Application in Docket No. 17-0119, a previously abandoned docket. The statement identified as a balance sheet by the Company was not in fact a balance sheet. A balance sheet is prepared as of a specific date and contains assets, liabilities, and equity accounts and balances. In its basic form, total assets are equal to the total of the remaining components. The form supplied does not include all of the components, nor does it "balance." This does not satisfy the requirements of Section 2.2.16. The Company's submission failed to provide Commission Orders for the states of Illinois and Rhode Island as required by Section 2.2.19.3.4 of the Supplier Rules. The submission also failed to include details of its oversight procedures and a description of the internal controls and correction procedures related to its in person sales model as required by Section 2.2.13.1 of the Supplier Rules. Instead of providing this information, the Company provided a copy of its independent contractor agreement, which does not address the aforementioned section of the rules at all. Finally, the Company did not provide a public redacted version of the submission dated May 2, 2018 and did not provide statements of verification for its July 23rd or May 2nd submissions to complete the record.

The Company's Application as submitted March 23, 2018 has not satisfied the requirements under the Restructuring Act and Supplier Rules to receive an ESC in the state of Delaware. After three formal deficiency letters and email correspondence dated June 19, 2018 that specifically identified the missing components, the Company has failed to submit an application that met the minimum filing requirements. Not only did the Company not respond to a second deficiency letter issued May 7, 2018, following the email correspondence on June 19, 2018, the Company waited until the deadline to submit an amendment that failed to meet the minimum filing requirements in the wrong docket. The above referenced docket is now closed and the Application of Gold Star Energy, LLC for an ESC is considered abandoned pursuant to Section 2.8 of the Supplier Rules. Should the Company decide to pursue an ESC in the future, a new filing and filing fee would be required.

Thank you,

Shona Marshall

Shona Marshall
Public Utility Analyst

CC: Ms. Donna Nickerson, Commission Secretary
Ms. Malika Davis, Public Utility Analyst
Ms. Amy Porter, Public Utility Analyst